

**~ Bali Starling Residential Estate ~
Honeydew Manor Ext 20 Home Owner Association
(Associated incorporated under section
21) Company Registration No.
2006/15880/08 Estate Governance Rules**

1. INTRODUCTION

- 1.1 The main objective of the development of Honeydew Manor Ext 20 has been the provision of a high quality lifestyle for residents. The intension of these rules, and the powers given there under to the Directors, is the protection of this lifestyle and the architectural standards of the complex.
- 1.2 The rules have been established in terms of the Memorandum and Articles of Association of the Honeydew Manor Ext 20 Home Owners Association (HMHOA)/Bali Starling. They are binding all occupants of the complex.
- 1.3 These rules are subject to change from time to time and to be ratified at the AGM.
- 1.4 The registered owners of the properties are responsible for ensuring that members of their families, tenants, visitors, friends and all their employees abide by these rules.
- 1.5 Happy and harmonious community living is achieved when residents use and enjoy their private property as well as the public areas of the complex in such a manner as to enable other residents also to use and enjoy the facilities.
- 1.6 In the event of issues/complaints with other Owners, the involved parties should attempt to settle the matter between themselves, exercising tolerance and consideration. The Directors are not there to fight your battles for you. In instances where problems cannot be resolved, the matter should be brought to the attention of the Directors for arbitration and settlement.
- 1.7 Any complaints must be submitted in writing to the Managing Agent who will address with the Directors.
- 1.8 In respect of the interpretation of these rules, the decision of the Directors is final and binding.
- 1.9 In the interpretation of these rules, unless the context otherwise dictates:
 - a. "Articles of Association" means the Honeydew Extension 20 Home Owner Association Articles of Association;
 - b. "Board of Directors" or "Directors" means the appointed Directors of the Home Owners Association as envisaged in the Articles of Association;
 - c. "Family" means a man and a woman or both, with or without their parents and with or without the children or one or the other or both;
 - d. "Home Owners Association" means the Honeydew Manor EXT 20 Home Owners Association incorporated under Section 21 of the Companies Act, 1973, company registration number 2006/15880/08, registered on 22 May 2006;
 - e. "Owner" means the registered owner of a unit in the complex.
 - f. Words importing the masculine gender shall include the female gender and vice versa.
- 1.10 These rules have been established in terms of the Articles of Association. They are applicable to every person in the complex, as in any decision of the Directors in interpreting these rules.
- 1.11 As per the 2014 AGM it was agreed going forward that any transgression and/or breach of the estate rules will be addressed by means of a warning letter and thereafter a fine. Fines will vary from R 500 upwards. This is dependent on the severity and nature of the transgression/offence and at the Directors discretion.
- 1.12 Only written complaints will be dealt with.
- 1.13 The owner shall ensure that all occupants of their units; their invitees, tenants, visitors and employees abide by these rules. A breach of these rules by any person falling into any of the aforesaid categories shall be deemed to be a breach committed by the owner.
- 1.14 Any interpretation of these rules by the Directors is final and binding.

2. GOVERNANCE RULES

Use of the streets:

The streets are for the movement of all residents. Whether, it is by foot, running shoe, roller skates, bicycle, motor cycle, truck, or car.

Note that cars are considered to be part of the street environment, but not necessarily the denominating factor.

- 2.1 The speed limit in the complex is 15km per hour. Speeding, reckless & negligent driving will not be tolerated.
- 2.2 Save for the above, the Road Traffic Act, No. 29 of 1989, applies.
- 2.3 The use of motor cycles or other vehicles with noisy exhaust systems save for entering or exiting from the complex is prohibited.
- 2.4 No truck, caravans, trailers, boats or other heavy vehicles shall be parked in the streets, or any other area of common property without the consent of the Directors. If parked or stored, suitable aesthetically accommodation should be in place.
- 2.5 Hooters should not be sounded in the common property.
- 2.6 Residents, tenants and visitors are not allowed to cause and obstruction in the complex by parking in the streets.
- 2.7 Any damage done to the roads by the owners, their visitors, their contractors, or by anyone making deliveries on behalf of the owner, will be repaired by the HMHOA at the owners' expense.
- 2.8 The streets are not to be used for as dumping sites or mixing surfaces for building alterations.

Good Neighbourliness

Do unto others, as you would have them do unto you.

- 2.9 No business activity or hobby, which would cause aggravation or nuisance to fellow residents, may be conducted, including auctions and jumble sales.
- 2.10 No resident shall be permitted to dismantle or affect any major repairs to any vehicle in the street, curb or common property.
- 2.11 The volume of music or electronically instruments, partying and the activities of domestic help should be tuned to a level so as not to cause a nuisance or aggravation to other residents. Noise cut off times for functions will be:
 - a. Sunday – Thursday **22:00**
 - b. Friday – Saturday **00:00**
 - c. Day before public Holiday **00:00**
 - d. Public Holiday **22:00**
- 2.12 Garden mechanical maintenance, and the use of power saws, lawn mowers, and the like, (including motorized toys), should only be indulged in between the following hours:
 - **Weekdays: 08:00 – 17:00**
 - **Saturdays: 08:00 – 14:30** (Gardeners may continue without machinery until 17:00)
- 2.13 Generator Cut Off Times will be **22:00 – 05:00** all round.
- 2.14 Generators may not be larger than 5.5Kva, and may be stored in the garage or a cage outside the house. Please consider the aesthetics of the estate when installing a cover for the generator.
- 2.15 Washing should only be hung on the lines screened from the streets and neighbours.

- 2.16 Garden refuse may not be placed outside your unit, except after **17:00** the day before it will be collected by the service provider. The bins must be returned to your property as soon as they have been emptied. Bins must NOT be left outside overnight once they have been emptied.
- 2.17 No advertisements of publicity material of any person, including maintenance contractors, may be exhibited or distributed without the consent of the Directors. The Directors shall have the right to remove any material exhibited or distributed in contravention of this rule.
- 2.18 No resident shall cause a nuisance, disturbance, inconvenience or annoyance to any other resident. If the Directors are of the opinion that there has been an infringement of this rule, they shall be empowered to enforce their rights in terms of Article 5 of the Article of Association.
- 2.19 No resident shall be allowed to discharge fireworks within the Estate.

Ensuring a Pleasing Streetscape

The collective of our complex will depend to a considerable extent on the contribution of every owner, he/she is doing his bit to create and maintain a neat and pleasing streetscape.

- 2.20 Every owner shall maintain the area between the road curb and the boundary of his property, and ensure that this area is kept presentable.
- 2.21 Garage doors, gates and walls forming part of the streetscape should be maintained by the owners where and when necessary, otherwise the HMHOA will have the item repaired and painted and the cost will be charged to the owner.
- 2.22 Building materials may not be dumped on the sidewalks under any circumstances.
- 2.23 External gardens shall be kept neat and tidy at all times, and no plants shall be allowed to hang over the road so as to interfere with pedestrians/vehicles or obscure the vision of motorists.
- 2.24 The placing of rocks, bricks and small stones and curbs to prevent cars parking thereon is prohibited.
- 2.25 Unit numbers must be displayed.

3. ENVIRONMENT MANAGEMENT

“The degree of environmental care exercised by a community says much of the level of cultural and refinement attained by the said community” (Unknown citizen of Pompeii).

- 3.1 No rubble or refuse should be dumped or discarded in any public area.
- 3.2 Littering in the common area is prohibited.
- 3.3 Residents must ensure that declared noxious flora is not planted or growing in their gardens.
- 3.4 The residents’ use of the common areas is entirely at their own risk at all times.
- 3.5 Residents are responsible to cut foliage away from the electric fence and to keep it clear from the fence, in the event of a resident not keeping the foliage clear of the electric fence the HMHOA reserves the right to enter such premises and to cut the foliage away and bill the respective owner for the cost. In the event that an owner refuses to pay such cost on their levy account the owner will be handed over for debt collection and the said owner will be liable for the legal costs as well.

4. SECURITY

“Every time you break security protocol and regulation, you are making it easier for criminals to do the same” (Ex – policeman)

- 4.1 The security guards (if/when applicable) are doing a difficult job. They must not be abused under any circumstances.
- 4.2 Security protocol at the gate shall be adhered to at all times. Residents are to be contacted telephonically (vis the intercom system) every time there is a visitor and only authorized access will be allowed.
- 4.3 Every owner must request visitors to adhere to security protocol and residents are requested to always treat the security personal in a co-operative and courteous manner.
- 4.4 Every owner must ensure that contractors in his employment adhere specifically to the security stipulation of the complex.
- 4.5 All attempts of burglary or instances of fence jumping must be reported to a member of the security staff and HMHOA.
- 4.6 Security reserves the right to search any vehicle entering or exiting the Estate at random.
- 4.7 Security is an attitude, be aware that you need to enforce and apply security to make it work.

5. TENANTS, VISITORS, CONTRACTORS AND EMPLOYEES

In the final analysis, the responsibility to enforce the Conduct Rules rest with the owner.

- 5.1 Should any owner let his property, he shall in writing advise the HMHOA in advance of occupation, of the name of the Lessee, and the period of such lease.
- 5.2 The owner shall inform the Lessee of all Conduct Rules and other rules, and bind the Lessee to adhere to such rules.
- 5.3 No unit may be used as a commune.
- 5.4 A unit shall not be occupied permanently by more than one family subjected to a maximum occupancy of 2 persons per bedroom per unit.
- 5.5 The occupier of any property within the complex is liable for the conduct of their visitors, contractors, and employees, and must ensure that such parties adhere to the Conduct Rules.
- 5.6 Only 1 full time domestic employee and spouse/partner/child will be allowed per property. No overnight visitors will be allowed.
- 5.7 All members of staff employed by the Managing Agent, Security Company or Directors are employed to perform tasks pertaining to the running and up keep of the Estate. No resident is to request staff to perform private tasks whilst on duty, including their lunch hour.

6. ADDITIONS AND ALTERATIONS

Building according to approved standards obviates the necessity of making costly changes at a later stage.

- 6.1 All building plans should be in accordance with the architectural theme of the complex, currently, “Bali”.
- 6.2 No persons shall commence with the construction of any building or structure or any addition or alteration or any works of whatsoever nature without the prior written approval of plans by the Directors.
- 6.3 Exterior walls of units may only be painted in a colour which shall conform to the general aesthetic appearance of all other units in the complex.
- 6.4 The wall colour should be discussed and approved by the Directors prior to painting the outside of your property.

- 6.5 The positioning of satellite dishes must be carefully considered. The diameter of the dish shall not exceed 90cm and the colour of the dish must be white.
- 6.6 Roofing materials for patios and outbuildings must match the main structure and must be approved by the HMHOA.
- 6.7 All external steelwork must be painted black
- 6.8 No construction containing shade cloth will be allowed. Any form of Material or Wooden Hut.

7. ADMINISTRATION

- 7.1 All levies are due and payable in advance on the first day of each and every month, and are payable into the Association's bank account.
- 7.2 Interest at prime will be raised on all accounts in arrears.
- 7.3 Accounts not paid by the 7th of the month will also be charged a R50-00 late payment penalty.
- 7.4 Any account unpaid after 60 days will be handed over to an attorney for collection. The costs for this collection will be billed to the residents account.
- 7.5 The Directors may amend or add to the House Rules from time to time, as may be deemed necessary to ensure the happy and orderly co-existence of residents.
- 7.6 Should a difference between the HMHOA and an owner not be resolved along normal avenues and litigation ensues, the owner and Directors consent to the jurisdiction of the Magistrates Court.

8. LETTING AND SELLING

- 8.1 Owners/Agents renting out their Units are requested to perform checks on their units EVERY SIX MONTHS to ensure the correct amount of people are living in the unit and the condition of the unit is of a high standard. Feedback must be provided to the Managing Agent.
- 8.2 No owner shall let or otherwise part with the occupation of his unit, whether temporary or otherwise, unless:
 - a. He has concluded an agreement for the benefit of the Home Owner Association with the proposed occupier of the unit that such occupier undertakes to adhere to these rules and undertakes to ensure that his family, invitees and staff adhere to these rules, and;
 - b. He has provided the tenant with a copy of these rules.
- 8.3 Should an owner wish to sell his unit through an estate agent, he shall be obliged to:
 - a. Give his agent a written mandate;
 - b. Procedure that such a written mandate contains the following terms: "The agent acknowledges that he has in his possession a copy of the Rules of Honeydew Manor EXT 20 Home Owners Association and, for the benefit of the Home Owners Association, undertake to execute the mandate according to the provisions of the said rules".
- 8.4 No owner shall be entitled to transfer ownership of any other interest in his unit without a clearance certificate issued by the Managing Agent on behalf of the Directors, by which it is certified that:
- 8.5 The owner is not indebted to the Home Owner Association in any way in respect of contributions and charges or other amounts which the Association may, in terms of the rules of the Articles of Association, be entitled to claim from him;
- 8.6 The owner selling a unit in the complex, or an interest in such unit, shall ensure that the written agreement of sale contain the following clauses:
 - a. The purchaser acknowledges that he is required upon registration of the property into his name, to become a member of the Home Owner Association and agrees to do so subject to the Memorandum and Articles of Association of Honeydew Manor EXT 20 Home Owners Association;
 - b. The purchaser acknowledge That he has received from the seller a copy of the Community

Participation Rules of Honeydew Manor EXT 20 Home Owner Association, and agrees to be bound by such rules from the date of his occupation of the unit;

- c. This agreement is subject to the suspended condition that the seller receives a clearance certificate in terms of Rule 4 of the Community Participation Rule;
- d. The seller shall be entitled to produce that, in addition to all other conditions of title, the following conditions of the title be inserted in the Deed of Transfer, in terms of which the purchaser will take title of the property: “Every owner of the erf, or owner of any sub-division thereof, or owner of any unit thereon, shall become and shall remain a member of the Honeydew Manor EXT 20 Home Owner Association and can be subject to its Constitution until he ceases to be an owner as aforesaid” “Neither the erf, nor the sub-division thereof, or any until thereon shall not be entitled to transfer the erf of any sub-division thereof or any interest therein, or any unit thereon, without a clearance certificate from the Home Owners Association that the provisions of the Articles of Association of the Honeydew Manor EXT 20 Home Owner Association have been complied with”. In the event of the Register of Deeds requiring the amendment of such conditions, in any manor, in order to affect registration of same, the purchaser hereby agrees to such amendment,

8.7 The seller/lesser must personally ensure that the buyer/tenant is informed about and receives a copy of the Community Participation Rules, Contractors Code of Conduct and any other administrative regulations applicable at the time. Two (2) estate agents for sale boards may be placed on the pavement at the main gate for units that are being sold; it may not be placed longer than 60 days. If a unit is on show, estate agent may place a board at the said unit for that day only. All boards placed in contravention of this rule will be removed by the HOA.

9. PETS

9.1 Each Unit shall be allowed **two pets** only per unit.

9.2 People whose pets defecate on the common property will be fined if caught not picking up after their pets.

9.3 Although dogs will bark, people are requested to investigate when their dogs bark so as not to cause a nuisance to other Owners.

10. GENERAL

Maintenance, Alterations and other

11.1 Permitted working hours:

- Mon – Fri: 08:00 – 16:30
- Sat: 08:00 – 14:30
- Sun – No work may commence
- Public Holidays – 09:00 – 12:00 (Maintenance only)

11.2 All plans must be submitted for approval to the Home Owners Association for approval.

11.3 The privacy and views of surrounding properties must be considered as a premium. As a general rule no windows or balconies on the upper level may overlook the living spaces of the adjacent dwelling unless approved by the HOA.

11.4 All staff accommodation must be contained under the same roof or integrated into the overall design.

11.5 Staff accommodation and kitchen areas must open onto screened yards or screened patios.

11.6 Outbuildings and additions must match the original building design in style, elevation and material usage. All plans must indicate at least one enclosed garage and this must be built in conjunction with the original dwelling. No flat roof carports will be permitted unless it matches and blends with the design of the main dwelling.

11.7 No shade netting may be used.

11.8 Pools can only be installed if approved by the local authority.

- 11.9 No pools above ground level are allowed e.g. Porta-pools.
- 11.10 Backwashing of pools must be in line with local authority rules.
- 11.11 Any changes or alterations to an existing property, including swimming pools, are subject to HOA approval in line with the original Bali Starling Estate architectural guidelines.
- 11.12 The installation of air conditioners will be approved by the HOA in conjunction with neighbours consent.
- 11.13 Neighbours must give approval of the erection of “Wendy” houses, garden sheds, caravans and boat storage facility if it is within sight of any neighbour.
- 11.14 No lapa or shade-like cloth coverings are allowed in Bali Starling Estate. This rule excludes the use of temporary shading e.g. umbrellas for a reasonable time span.
- 11.15 Canvas awnings are not allowed in the Complex. The approved awning for the Complex is the “Duolite” type awning in bronze colour. The awnings must be purchased from Reboss Awnings in Strydom Park. Approval (in writing) still needs to be obtained from the Directors prior to installation.
- 11.16 Drop blinds need approval from the HOA, location and aesthetics will be taken into account. Sample of the material and design to be submitted.
- 11.17 Wendy houses are subject to prior approval by Directors and direct neighbours, location will be taken into account.
- 11.18 Only metal type numbers are to be used as house numbers. The numbers must be clearly visible from the street. This does not refer to temporary numbers used during the development phase of a house.
- 11.19 All exposed plumbing and washing lines must be fully screened and not visible from the street elevations and other adjoining properties.
- 11.20 NO deviations from the approved drawings will be permitted unless the deviation is re- submitted and approved in writing prior to construction.
- 11.21 The following activities are not allowed in the Estate at all:
- Air gun target shooting (pellet gun)
 - Flying of drones over the residential estate.
- 11.22 Special projects will be circulated to owners via email and owners will be given a reasonable time within which to comment.

NOTE: The Directors reserve the right to fine Owners who contravene the Conduct Rules. Owners can face a fine of R500 upwards for contraventions.